

REGULATIONS FOR SPECIFIC PRODUCTS

SELLING FISH AND SHELLFISH



This fact sheet reviews the state regulations for fish and cultivated shellfish sold directly to end consumers.

This fact sheet includes information on:

- Washington State commercial fishing and shellfish harvesting licenses
- Department of Health shellfish licenses
- Selling shellfish at farmers markets and farm stands.
- Fish and shellfish processing and Hazard Analysis Critical Control Points (HACCP).

Please note: The local health jurisdiction where producers sell fish or shellfish will also have requirements, including licensing, food worker permits, and inspections. Please contact the county health department or district directly for specific information.

Washington State Commercial Fishing and Shellfish Harvesting Licenses

Commercial Fishing License

A commercial license is required to catch or harvest and sell fresh, raw fish and shellfish. Commercial fishing licenses are issued by the Washington State Department of Fish and Wildlife (WDFW). For applications and more information on commercial licenses, contact the WDFW License Division at 360-902-2464, or commercialsales@dfw.wa.gov, or search for "Licenses and Permits, Commercial" on the WDFW website, wdfw.wa.gov.

In addition to a commercial fishing license, the following endorsements and licenses may be needed for particular sales and marketing activities.

Limited Fish Seller Endorsement

Commercial fishers and harvesters that want to sell their own catch directly to market (in addition or instead of to a licensed wholesale buyer) must have this endorsement to their commercial fishing license. This endorsement replaced the Direct Retail Endorsement on January 1, 2018.

A licensed limited fish seller is exempt from the permitting requirements of the State Food Service Code, if the seller only sells fresh, whole fish, or fresh fish that has been cleaned and dressed.

The annual fee in 2019 was \$70 for state residents, plus an application fee of \$105.

Fish Dealer License

A Fish Dealer License is required for any business brokering or processing fish and shellfish. It is also required for anyone engaged in wholesale selling or buying of frozen fish and shellfish. This license replaced the Wholesale Fish Dealers License on January 1, 2018.

Processing is taking possession of raw or frozen fish or shellfish to prepare, repackage, process, or preserve it, which includes, but is not limited to:

- Canning or processing fish or shellfish for payment, whether the fish or shellfish is commercially harvested or taken for personal use.
- Commercial preparation of fish or shellfish by-products such as of oil, caviar, fertilizer, meal, and fish bait.

Brokering is facilitating the sale or purchase of raw or frozen fish or shellfish for a fee or commission, without assuming title to the fish or shellfish.

A business required to have a Fish Dealer License only needs to purchase a single license to cover the actions of all its employees. In 2019, the annual license fee was \$400 for state residents, plus an application fee of \$105.

Wholesale Fish Buyer Endorsement

This license endorsement must be added to the Fish Dealer License to purchase fish and/or shellfish directly from commercial fishers that offload in Washington, including wholesale buying or selling of legally harvested food fish, shellfish, or gamefish harvested by Indian fishers exercising fishing rights. This license replaced the Fish Buyer License as of January 1, 2018.

REGULATIONS FOR SPECIFIC PRODUCTS

Wholesale fish buyers must document commercial harvest and sales according to the rules of the WDFW. One wholesale fish buyer endorsement is required for each employee who buys and sells fish and shellfish off premises. The purchase of gamefish taken by authorized tribal members no longer requires a separate license. The annual fee in 2019 was \$245 for state residents, plus an application fee of \$105.

Bond Requirements

Limited fish sellers and Wholesale fish buyers must place a surety bond deposit with WDFW as part of the license application. For wholesale fish buyers it must be equal to \$2,000, plus \$1,000 for each additional buyer engaged the business. For limited fish sellers the bond must be equal to \$1,000. See WDFW Licensing Division's information sheet on surety bonds and cash deposits, which can be downloaded from WDFW's website, wdfw.wa.gov, or by contacting the Licensing Division, 360-902-2464, commercialsales@dfw.wa.gov.

Department of Health Shellfish Licenses

A variety of shellfish are grown and harvested in Washington's Puget Sound and coastal regions, including oysters, clams, mussels, geoduck, and scallops. These are filter feeders capable of concentrating chemicals, bacteria, viruses, or marine biotoxins. To protect consumers, the Washington State Department of Health (DOH) monitors commercial shellfish growing areas and certified harvest sites.

DOH licenses initial shellfish processing, such as shucking and packaging, while the Washington State Department of Agriculture Food Safety Program will license firms for more advanced shellfish processing.

Commercial harvest of wild (non-cultivated) shellfish requires a commercial fishing license from Washington Department of Fish and Wildlife in addition to meeting the following DOH requirements.

Shellfish farmers that grow, harvest, or sell molluscan shellfish (oysters, clams, mussels, geoduck, and/or scallops) for human consumption are required to obtain **all** four of the following licenses:

1. Washington State Business License

2. Washington State Department of Health (DOH) Commercial Shellfish License

There are several types of commercial shellfish operations that require different licenses. The cost of a license varies by license type and size of operation. All must meet state and federal sanitation standards, and are regularly inspected by DOH. Commercial shellfish operations licenses must be renewed annually.

- **Harvesters** harvest shellstock (live, unshucked product), and ship and sell only to other licensed Washington State shellfish dealers. Harvesters do not shuck shellfish, repack shucked shellfish, repack shellstock, or store shellstock in any location other than the approved growing area where the shellstock was harvested. They cannot ship out of state.
- **Shellstock shippers** grow and harvest shellstock, and buy and sell live, unshucked product in or outside Washington.
- **Wholesale-only shellstock shippers** are limited to buying and selling in or outside of Washington. They are not authorized to grow or harvest shellfish.
- **Shucker-packer** activities may include those of harvesters and shellstock shippers, plus shucking product for packing in jars or similar containers, and repacking shucked shellfish into different containers.

To obtain a commercial shellfish operations license issued by DOH, or for more information about licensing and permit applications issued by DOH, contact the DOH Office of Environmental Health and Safety Shellfish Program by calling 360-236-3330 or visiting the "Shellfish" page on the Community and Environment sections of the DOH website, doh.wa.gov.

3. Washington Department of Fish and Wildlife (WDFW) Aquatic Farm Registration

Anyone who raises aquatic products for eventual sale must register the aquatic farm with WDFW. An aquatic farm is defined as “any facility or tract of land used for private, commercial culture of aquatic products.” This includes commercial culture of trout, oysters, clams, and aquatic plants, including U-catch trout ponds, ornamental fish growers, fish and shellfish hatcheries. The aquatic farm registration serves as a lifetime registration with a one-time application cost of \$105. For more information, please contact the WDFW License Division by calling 360-902-2464, emailing commercialsales@dfw.wa.gov, or searching wdfw.wa.gov.

4. Department of Health (DOH) Harvest Site Certification

A beach must be certified by DOH prior to any commercial harvest of bivalve shellfish. For more information, contact the DOH Office of Environmental Health and Safety Shellfish Program by calling 360-236-3330 or visiting the “Shellfish” page on the Community and Environment sections of the DOH website, doh.wa.gov.

Selling Shellfish at Farmers Markets and Farm Stands

Selling shellfish at farmers markets and farm stands requires a Retail Food Permit from the local county health department or district.

If shellfish are processed in any way (such as cut, cooked, smoked, or frozen), a WSDA Food Processor License is also required. See below, and the WSDA Food Processor License and Facilities fact sheet, for more information. For any fish or shellfish displayed on ice, the ice must be made from potable (drinkable) water and be fresh.

Fish and Shellfish Processing and HACCP

If you cut, clean, freeze, smoke, cook, or otherwise prepare your fish or fishery products (including advanced shellfish processing) for sale, you will need to obtain a WSDA Food Processor License, in addition to the Fish Dealer License described above.

Food safety hazards can be introduced when handling and processing fish and shellfish products. State and federal laws require that all handlers and processors assess their operations to identify any food safety hazards. If, after conducting a hazard analysis, one or more food safety hazards are still present, you are required to develop and implement a Hazard Analysis Critical Control Point (HACCP) plan that is species- and process- specific for your operation.

Two different agencies regulate fish and shellfish HACCP requirements:

- For **fresh/raw fish and for processed fish and shellfish products**, contact WSDA Food Safety Program at 360-902-1876 or visit agr.wa.gov and search for “HACCP.”
- For **fresh, molluscan shellfish**, contact the DOH Office of Environmental Health and Safety Shellfish Program by calling 360-236-3330 or visiting the “Shellfish” page on the Community and Environment sections of the DOH website, doh.wa.gov.



5. Licensing

23. WSDA Food Processor License and Facilities